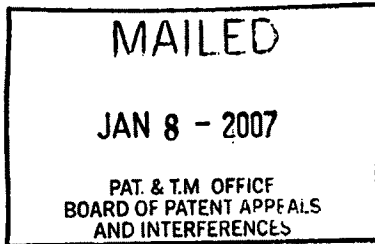


**UNITED STATES PATENT AND TRADEMARK OFFICE**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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Filed by: Judge Michael P. Tierney  
Telephone: 571-272-4683  
Facsimile: 571-273-0042



Applicants: KRIEG  
Application No.: 09/337,584  
Filed: 06/21/99  
For: Immunostimulatory nucleic acid molecules

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,526.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/  
MICHAEL P. TIERNEY  
Administrative Patent Judge

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 1

Filed January 8, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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EYAL RAZ  
Junior Party  
(U.S. Patent 6,498,148),

v.

ARTHUR M. KRIEG, JOEL KLINE, DENNIS KLINMAN  
and ALFRED D. STEINBERG  
Senior Party  
(U.S. Application 09/337,584).

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Patent Interference No. 105,526 (MPT)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>

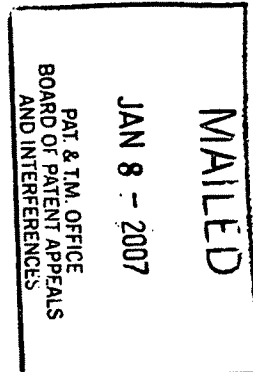
Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. '41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).



**Part B. Judge managing the interference**

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **3:00 p.m. on March 7, 2007** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: EYAL RAZ

Involved Patent: 6,498,148, issued on December 24, 2002, based upon U.S.  
Application 09/235,742, filed January 21, 1999.

Title: IMMUNIZATION-FREE METHODS FOR TREATING  
ANTIGEN-STIMULATED INFLAMMATION IN A  
MAMMALIAN HOST AND SHIFTING THE HOST'S  
ANTIGEN IMMUNE RESPONSIVENESS TO A TH1  
PHENOTYPE

Assignee: The Regents of the University of California, Oakland, CA

Senior Party

Named Inventors: ARTHUR M. KRIEG,  
JOEL KLINE,  
DENNIS KLINMAN  
ALFRED D. STEINBERG

Involved Application: 09/337,584, filed June 21, 1999

Title: IMMUNOSTIMULATORY NUCLEIC ACID  
MOLECULES

Assignee: University of Iowa Research Foundation

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

**Count 1**

A method for treating asthma according to Claim 17 of U.S. Patent 6,498,148 or claim 44 of U.S. Application 09/337,584.

**The claims of the parties are:**

Krieg, U.S. Application 09/337,584:	42-47, 49-53, 56-57, 82-85, 90, 92, 94, 96, 98, 100, 102-103
Raz, U.S. Patent 6,498,148:	1-19

**The claims of the parties which correspond to Count 1 are:**

Krieg, U.S. Application 09/337,584:	42-45, 47, 49-53, 57, 90, 92, 94, 98, 100, 102-103
Raz, U.S. Patent 6,498,148:	1-4 and 6-19

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Krieg, U.S. Application 09/337,584: 46, 56, 82-85

Raz, U.S. Patent 6,498,148: 5

The parties are accorded the following 35 U.S.C. § 102(g) priority benefit for Count 1:

Krieg is accorded benefit of the filing dates of the following applications:

- i) U.S. Application 08/960,774, filed October 30, 1997, now U.S. Patent 6,239,116, issued May 29, 2001.
- ii) U.S. Application 08/738,652, filed October 30, 1996, now U.S. Patent 6,207,646, issued March 27, 2001.
- iii) U.S. Application 08/386,063, filed February 7, 1995, now U.S. Patent 6,194,388, issued February 27, 2001.

Raz is accorded benefit of the filing date of the following application:

- i) U.S. Application 08/927,120, filed September 5, 1997.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

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EYAL RAZ  
Junior Party  
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Senior Party  
(U.S. Application 09/337,584).

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Patent Interference No. 105,526 (MPT)  
(Technology Center 1600)

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Michael P. Tierney/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,498,148  
Copy of claims of 09/337,584  
Default Times Schedule

Revised 3 January 2006

cc (via overnight delivery):

Attorney for RAZ:

Paula A. Borden, Esq.  
BOZICEVIC, FIELD and FRANCIS  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94301

Attorney for KRIEG:

Helen C. Lockhart, Esq.  
WOLF GREENFIELD & SACKS P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210